

PAN AM RAILWAYS

IRON HORSE PARK
NO. BILLERICA, MA 01862

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LEGAL DEPARTMENT (978) 663-1215

October 10, 2011

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

ENTERED
Office of Proceedings

OCT 17 2011

Part of
Public Record

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**Re: STB Docket No. AB-32 (Sub No. 104X) and AB-355 (Sub No. 40X) –
Boston and Maine Corporation & Springfield Terminal Railway
Company – Abandonment and Discontinuance of Service –
Hampton Branch – Rockingham County, NH – Verified Notice of
Exemption**

Dear Ms. Brown:

Enclosed for filing with the Board in the subject docket is a letter from the Department of Interior Fish and Wildlife Service in response to Boston and Maine Corporation's and Springfield Terminal Railway Company's Notice of Exemption for abandonment and discontinuance of service over the Hampton Branch. It is noted that no federally listed or proposed, threatened or endangered species or critical habitat under its jurisdiction are known to occur in the project area(s), and that preparation of a Biological Assessment or further consultation with them under section 7 of the Endangered Species Act is not required.

Should you have any questions in regard to this filing, please do not hesitate to contact the undersigned at (978) 663-1215. Thank you in advance for your assistance in this matter.

Very truly yours,

Robert B. Burns, Esq.
Boston and Maine Corporation

Encl.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5087
<http://www.fws.gov/newengland>



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September 19, 2011

Reference:	<u>Project</u>	<u>Location</u>
	Railroad abandonment (AB 1080X & 1082X)	Portsmouth, Greenland, Rye. North Hampton, Hampton, NH

Mr. Robert Burns
Boston & Maine Corporation
1700 Iron Horse Park
North Billerica, MA 01862

Dear Mr. Burns:

This responds to your recent correspondence requesting information on the presence of federally listed and/or proposed endangered or threatened species in relation to the proposed activity(ies) referenced above.

Based on information currently available to us, no federally listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under section 7 of the Endangered Species Act is not required.

This concludes our review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

In order to curtail the need to contact this office in the future for updated lists of federally listed or proposed threatened or endangered species and critical habitats, please visit the Endangered Species Consultation page on the New England Field Office's website:

www.fws.gov/newengland/endangeredspec-consultation.htm

In addition, there is a link to procedures that may allow you to conclude if habitat for a listed species is present in the project area. If no habitat exists, then no federally listed species are present in the project area and there is no need to contact us for further consultation. If the above conclusion

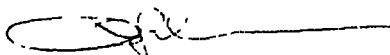
Mr. Robert Burns
September 19, 2011

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cannot be reached, further consultation with this office is advised. Information describing the nature and location of the proposed activity that should be provided to us for further informal consultation can be found at the above-referenced site.

Thank you for your coordination. Please contact Mr. Anthony Tur of this office at 603-223-2541 if we can be of further assistance.

Sincerely yours,



(c) [handwritten mark] Thomas R. Chapman
Supervisor
New England Field Office